

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	8:04CR204
)	
Plaintiff,)	
)	MEMORANDUM
vs.)	AND ORDER
)	
GARY DEAN GOCHENOUR,)	
)	
Defendant.)	

I am in receipt of the defendant's motion for continuance and resumption of sentencing hearing (filing 60). I have also reviewed the defendant's affidavit. (Filing 61.) These filings were submitted in response to my memorandum and order inviting the defendant's views on the question of a continuance. (Filing 59.) For the reasons expressed in my earlier opinion (filing 59), and based upon the defendant's motion and affidavit,

IT IS ORDERED that:

1. The defendant's motion (filing 60) is granted. Sentencing on this matter is continued until Friday, November 17, 2006, at 12:00 noon, in the Special Proceedings Courtroom in Omaha, Nebraska.

2. By Wednesday, November 1, 2006, Mike Norton, Supervising United States Probation Officer, shall submit an update to the presentence report in the form of a letter to the undersigned with copies to counsel: (a) detailing the defendant's progress since commencing state work release on October 27, 2003 until the date of the report; (b) providing Mr. Norton's views about the propriety of a departure for extraordinary post-offense rehabilitation; and (c) if Mr. Norton believes a departure for post-offense

rehabilitation is appropriate and warranted, stating Mr. Norton's views on the proper extent of such a departure.¹

3. The parties shall submit briefs on Thursday, November 9, 2006 setting forth their views on the proper sentence, and particularly the propriety of a departure for extraordinary post-offense rehabilitation.

4. My chambers will provide Mr. Norton with a copy of this memorandum and order.

September 20, 2005.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge

¹When stating his views on a departure for extraordinary post-offense rehabilitation, Mr. Norton may assume that, prior to any such departure, I will (1) depart to criminal history category V, (2) depart by crediting the defendant with 35 months in state custody, and (3) award the defendant 3 points for acceptance of responsibility. Thus, the Guideline prison range *prior* to a departure for extraordinary post-offense rehabilitation is 65 months at the low end and 90 months at the high end. (Total offense level 25, Criminal History Category V=between 100 and 125 months in prison less 35 months credit=between 65 months and 90 months in prison.)